

City Council Meeting Minutes

**Tuesday, September 1, 2015
City Hall, Council Chambers
749 Main Street
6:00 PM**

SPECIAL MEETING – EXECUTIVE SESSION

Call to Order – Mayor Muckle called the meeting to order at 6:02 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Pro Tem Hank Dalton; City Council members Sue Loo, Ashley Stolzmann, Jeff Lipton and Jay Keany. Mayor Robert Muckle and Council member Chris Leh arrived at 6:10 p.m.*

Staff Present: *Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Aaron DeJong, Economic Development Director
Nancy Varra, City Clerk*

Others Present: *Sam Light, City Attorney
Malcolm Murray, Special Counsel*

EXECUTIVE SESSION

REAL PROPERTY ACQUISITIONS AND DISPOSITIONS

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a)).

The City Manager requested the City Council Convene an Executive Session for the Purpose of Consideration of a Potential Real Property Disposition concerning property in Louisville.

PENDING LITIGATION

(Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an Attorney representing the City with respect to pending litigation and C.R.S. 24-6-

City of Louisville

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402 (4)(b)).

The City Manager and City Attorney requested the City Council convene an Executive Session for the purpose of consultation with an attorney representing the City with respect to pending litigation.

City Attorney Light introduced the requests for executive session. The City Manager requested the City Council convene an executive session for the purpose of consideration of potential real property dispositions concerning property in Louisville. The second executive session was at the request of the City Manager and the City Attorney for the purpose of consultation with attorneys representing the City with respect to pending litigation, which City Attorney Light stated included a situation in which litigation may result.

City Clerk Varra read Section 2.90.050 – Public statement of the Louisville Municipal Code, which outlines the topics permitted for discussion in an executive session.

City Attorney Light stated the authority to conduct an executive session: (Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, but only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a)). The authority for the second executive session is (Louisville Charter, Section 5-2(d) – Authorized Topics – Consultation with an attorney representing the City with respect to pending litigation and C.R.S. 24-6-402(4)(b)).

MOTION: Mayor Pro Tem Dalton moved the City Council adjourn to executive session for the purpose of consideration of potential real property dispositions concerning property in Louisville and the session include the City Council, City Manager, City Attorney, Economic Development Director, Deputy City Manager and Special Counsel (Malcolm Murray). Council member Keany seconded the motion. The motion carried by a vote of 5-0. Absent: Mayor Muckle and Council member Leh.

MOTION: Mayor Pro Tem Dalton moved the City Council adjourn to executive session for the purpose of consultation with respect to pending litigation and the executive session include the City Council, City Manager, City Attorney, Economic Development Director, Deputy City Manager and Special Counsel (Malcolm Murray). Council member Keany seconded the motion. The motion carried by a vote of 5-0. Absent: Mayor Muckle and Council member Leh. The City Council adjourned to executive session at 6:05 p.m. Mayor Muckle and Council member Leh arrived at 6:10 p.m.

The Special City Council meeting reconvened at 7:10 p.m.

REPORT – DISCUSSION/DIRECTION/ACTION – REAL PROPERTY DISPOSITION AND PENDING LITIGATION

City Attorney Light reported in executive session the City Council discussed a matter concerning real property dispositions in Louisville. Staff was given direction by the City

Council on the potential disposition. In the second executive session the City Council discussed with legal counsel a matter involving pending litigation which involved a situation where litigation may result.

ADJOURN TO REGULAR MEETING

REGULAR MEETING AGENDA

7:15 PM

Call to Order – Mayor Muckle called the meeting to order at 7:15 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Robert Muckle, Mayor Pro Tem Hank Dalton
City Council members: Sue Loo, Ashley Stolzmann,
Chris Leh, Jeff Lipton and Jay Keany*

Staff Present: *Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Joe Stevens, Parks & Recreation Director
Aaron DeJong, Economic Development Director
Troy Russ, Planning & Building Safety Director
Meredyth Muth, Public Relations Manager
Kathy Martin, Recreation Superintendent
Nancy Varra, City Clerk*

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Mayor Pro Tem Dalton. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No public comments.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda, seconded by Mayor Pro Tem Dalton. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes –August 18, 2015***
- C. *Approve Resolution No. 60, Series 2015 – A Resolution Approving Open Space Advisory Board's Recommendation to Boulder County Parks and Open Space Regarding 2016 Property and Trails Request***
- D. *Approve September 21, 2015 as a Special Meeting***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Council member Keany invited members of the public to attend the Labor Day Parade and attend the Annual Senior Dinner.

Mayor Muckle reviewed the events for the City's Fall Festival/Labor Day weekend, which is the longest standing parade in the state.

- Friday Night – September 4: Senior Dinner from 5-7 pm at Memory Square Park.
- Saturday – September 5: Coal Creek Crossing; National Fine Art Show from 10 am to 9 pm at the Center for the Arts; Bocce Tournament at Memory Square from 9 am to 3 pm and the Farmers Market from 9 am to 1 pm.
- Sunday – September 6: National Fine Art Show from 10 am to 5 pm.
- Monday – September 7: Fall Festival at Memory Square Park. Pancake Breakfast at 8:30 am; Children's Parade at 9 am, and the 80th Annual Labor Day Parade at 10 am.

Mayor Muckle also reported on the success of the Louisville Chamber of Commerce Event "Pints in the Park" Beer Festival.

CITY MANAGER'S REPORT

City Manager Fleming updated the City Council and the public on the following events:

- Saturday, September 5: at 10:00 am: Walking audit for the McCaslin Small Area Plan.
- Thursday – September 3: at 6:30 pm: Citywide Wayfinding and McCaslin Area Place Making Workshop, at City Hall.
- Monday - Labor Day: Last day to swim at Memory Square Pool.
- Beginning next week the contractor will begin mobilizing for resurfacing Via Appia. Motorists are advised to find alternate routes, if possible, while resurfacing work is being done.

REGULAR BUSINESS

RESOLUTION No. 61, SERIES 2015 – A RESOLUTION ESTABLISHING A RECREATION / SENIOR CENTER AND AQUATICS EXPANSION TASK FORCE

Mayor Muckle requested a staff presentation.

Parks and Recreation Director Stevens reviewed Council's discussion relative to the creation of a Task Force. Staff recommended a 9 to 11 member Task Force to evaluate the current Recreation/Senior Center and aquatic facilities expansion and improvements for a bond referendum in November of 2016. Voters would be asked to bond for improvements, which were included in the Parks and Recreation Master Plan. Resolution No. 61, Series 2015 establishes the task force and sets the goals and responsibilities of the task force. Staff will take letters of interest from interested residents and return to City Council on October 6 so Council can appoint members to the task force. The task force will include two members of City Council. The task force will work with the design team and staff. Staff recommended Council adopt Resolution No. 61, Series 2015 to create a Recreation/Senior Center and Aquatics Expansion Task Force.

COUNCIL COMMENT

Mayor Muckle explained the recreation and aquatic expansion is a citizen driven initiative. The Louisville Recreation/Senior Center and Memory Square Swimming Pool are outdated and overtaxed. Because of citizen concerns, the Council has discussed a possible ballot issue for bonding for the rec/aquatic center after the Library Bonds are paid off.

Council member Loo commented on the recommendation for the number of members for the Task Force and suggested two City Council members and the rest be at-large depending on the representation from the various interest groups.

Parks and Recreation Director Stevens explained staff is recommending 9 to 11 members, but Council may appoint as many members as they wish. Staff is looking for representatives from a cross section of the community, who would represent the various interest groups.

Council member Lipton agreed with Council member Loo on the designation of the specific interest groups. He preferred to keep it open ended to see the quality of the applications, without specifying it in the resolution.

Mayor Muckle agreed, but encouraged the two Council members, who will serve on the task force, to look at individuals who serve on boards. The board members are already engaged and active.

Council member Leh agreed on the composition of the task force members. He wanted to ensure the inclusion of interest groups such as the Monarch High School Swim Team and the Dolphins Swim and the triathlete community. He addressed the language in the resolution referring to a charrette and requested the term be changed to workshops.

Council member Stolzmann offered several amendments to the resolution. Under the goals of the task force, Goal A, she added two bullets for clarification. A1: Evaluate facility capacity and A2: Evaluate resident and non-resident use. She suggested changing D to F and adding a new D and E. D: To create project goals out of their evaluation process. E. Develop and evaluate alternatives for expansion with respect to the community goals and costs. She discussed alternatives such as partnering with the Boulder Valley School District or the Town of Superior, or would it better to create a second satellite pool somewhere on the north side of Louisville and whether the Senior Center should be a stand-alone facility versus keeping it at the Recreation Center.

Council member Lipton supported Council member Stolzmann's suggested amendments. He asked for clarification of facilitate in Goal A. He felt it could be deleted from the sentence and not lose the intent. Council member Stolzmann agreed.

Council member Leh suggested not limiting the task force to considering only a bond issue, but allowing them to consider other financing alternatives and opportunities.

Council member Stolzmann addressed the fiscal impact of \$25,000 in 2015 and \$60,000 in 2016 for professional services. She felt this should be a RFP Process for a consultant. She did not feel it was appropriate to sole source a consultant. Parks and Recreation Director Stevens noted staff has already published a Request for Proposals and have already received nine parties interested. He felt it would be a very competitive process.

City Manager Fleming noted the City Charter requires the names of the prospective task force members be brought before the City Council for their consideration and appointment.

MOTION: Council member Lipton moved to approve Resolution No. 61, Series 2015, with the following revisions: Strike the word "facilitate" from A; adding two sub bullets A1: Evaluate facility capacity and A2: Evaluate resident and non-resident use; changing D to F and adding a new D and E. D: To create project goals out of their evaluation process. E. Develop and evaluate alternatives for expansion with respect to the community goals and costs; changing the term "charrette" to "workshop" and to consider all practical financing vehicles.

City Attorney Light offered a friendly amendment to the section stipulating 9-11 members of the community, two of whom will be members of the City Council. Council member Lipton accepted the friendly amendments. The motion was seconded by Mayor Muckle. All were in favor.

A SPECIAL REVIEW USE (SRU) TO ALLOW FOR AN AGRICULTURAL LAND USE IN THE RESIDENTIAL LOW DENSITY (RL) ZONE DISTRICT IN ORDER TO DEVELOP A COMMUNITY GARDEN WITH 45 PLOTS AND TWO 80 SF TOOL SHEDS ON THE NORTHEAST AND NORTHWEST CORNERS OF GRIFFITH STREET AND LINCOLN AVENUE - *Applicant requests a continuance to October 6, 2015*

Mayor Muckle requested a staff presentation.

Planning and Building Safety Director Russ explained the Louisville Sustainability Advisory Board (LSAB), requested this item be continued to October 6, 2015. The applicant requires additional time to finalize its contract with the proposed 501C3 Community Garden manager and subsequent licensing agreement with the City. Staff recommended the City Council continue the public hearing to October 6, 2015.

MOTION: Mayor Muckle moved to continue the Special Review Use Applicant for a Community Garden to October 6, 2015, seconded by Mayor Pro Tem Dalton. All were in favor.

**PUBLIC HEARING – 550 SOUTH MCCASLIN URBAN RENEWAL PLAN –
*Continued from 08/28/2015***

- 1. RESOLUTION No. 58, SERIES 2015 – A RESOLUTION APPROVING THE 550 SOUTH MCCASLIN URBAN RENEWAL PLAN, DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS PURSUANT TO THE 550 SOUTH MCCASLIN URBAN RENEWAL PLAN, AND FINDING THAT THE ACQUISITION, RENEWAL PLAN, AND FINDING THAT THE ACQUISITION, CLEARANCE, REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT OR A COMBINATION THEREOF OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE CITIZENS OF THE CITY OF LOUISVILLE - PUBLIC HEARING (Continued from August 18, 2015)**
- 2. RESOLUTION No. 59, SERIES 2015 – A RESOLUTION APPROVING AN AMENDED AND RESTATED COOPERATION AGREEMENT BETWEEN THE CITY OF LOUISVILLE AND THE LOUISVILLE REVITALIZATION COMMISSION**

Mayor Muckle requested a City Attorney presentation.

City Attorney Light explained this is a continuation of the public hearing on the 550 S. McCaslin Boulevard Urban Renewal (UR) Plan. Resolution No. 58 Series 2015 approves an Urban Renewal Plan for 550 S. McCaslin Blvd, the former Sam's Club Property. Changes were made to the UR Plan to clarify the intent of the Plan. Those changes were to Section 1.1 and 2.7.2. Resolution No. 59, Series 2015 approves amendments to the Cooperation Agreement between the City and the Louisville Revitalization Commission (LRC). He noted there is a red-line format copy of the proposed Urban Renewal Plan at the dais for Council's review. He noted staff presentations will cover both resolutions and members of the public may speak on either item.

Mayor Muckle reopened the public hearing and requested a staff presentation.

Economic Development Director DeJong provided supplemental information in response to the City Council's three questions on August 18, 2015. 1) Changes were made to the Urban Renewal Plan to clarify intent of the Plan; the Plan does not mandate use of condemnation, but makes eminent domain authority available to the LRC. Changes were to Sections 1.1 and 2.7.2. 2) Council asked for information regarding Albertsons statement that it had received no offers to remove restrictive covenants. Mr. DeJong stated Centennial Valley Investments has told staff that they have not made offers to Albertsons to remove their restrictive covenant. They have made offers for the Albertsons property, but no counter offers have been made, nor has there been any response from their latest offer. 3) A letter dated January 6, 2014 from City Manager Fleming to Centennial Valley Investments. The letter stated the City has been working with Walmart to set a realistic price and reconsider their restrictions on the property. It highlights the issues upon the property, including restrictive covenants as well as other significant issues contributing to the difficulty of attracting new tenants, and stated staff was willing to recommend actions to alleviate the issues on the property. It further stated "any decision to approve, decline, or request changes to any proposed economic development agreement is at the discretion of City Council."

He addressed the letter dated August 27th from Albertsons and noted staff provided responses to their comments, which was provided in the City Council packet. He noted Albertsons letter stated they are willing to work toward a mutual agreement and staff will continue to work with Albertsons.

COUNCIL COMMENTS

Council member Loo noted the Urban Renewal Plan does not request TIF financing and asked for clarification. Economic Development Director DeJong explained urban renewal allows tax increment financing and taking taxes created from new development to remove blighting factors from the property. TIF can be on property tax or on sales tax. The Plan does not propose to use TIF funding on sales or property taxes, because

it is only on one property. He noted there are other mechanisms the City can use such as the Business Assistance Program and other tools as opposed to TIF financing.

PUBLIC COMMENT

Richard Hill, McDonalds, 939 Dillon Road, Louisville, CO asked for confirmation that should the Council approve the urban renewal project, the use restriction will not be voided and there may be further discussion on restrictions later in the process. Mayor Muckle confirmed the use restrictions would not be voided by Council's adoption of the plan. He stated the adoption of the plan does not result in any specific action but provides the Louisville Revitalization Commission the authority to begin working on a plan.

Sherry Sommer, 910 S. Palisade, Court, Louisville, CO inquired about the language contained in the resolution, which states "in the interest of public health, safety, morals and welfare..." She did not see anything threatening in this property and felt it was greatly exaggerated and disingenuous. With respect to community welfare, she felt the people have spoken what they believe is their welfare in the McCaslin area with the existing covenants. She noted the list of items allowed is very long and there are many things that could happen with the covenants in place. She voiced her concern over the costs and incentives given to new businesses and was concerned the new owner has not offered to pay for removing the restrictions. She felt the City should not be paying for something benefitting the developer.

COUNCIL COMMENT

Council member Keany noted this process has been a struggle for him, but felt the conditions surrounding the property are preventing it from being an asset for the community. He voiced his belief advancing a plan at this point is the right thing to do. He would support the urban renewal plan.

Council member Lipton stressed the plan does not automatically move toward condemnation. Condemnation would require a super majority vote of the City Council. He explained the Plan is simply another tool to allow the City to review options for the redevelopment of the property, which may or may not include condemnation. It provides a process for the urban renewal authority to issue RFP's and solicit the market more effectively, which may lead to outcomes not including condemnation. He stated the issue of condemnation is a very serious question, but having the tool available is very important. The residents expect Council to do something to alleviate the blight condition. He would vote in favor of the urban renewal plan.

Council member Loo stated it has been a difficult and complex issue. She was convinced going forward with an urban renewal plan is an opportunity for the community to see what options are available for redeveloping the property.

Mayor Muckle explained the definitions Ms. Sommers questioned were directly from the State Statute. He agreed not all the categories of blight are relevant to the site, but not all of the blight factors have to be met. He stated the Plan is a step in a process and not a final conclusion. He stated there is no question the vacancy of the site has had a negative effect on the area. He felt it was time to take a step toward resolving the problem.

Mayor Pro Tem Dalton stated he has voiced his objection to this process in the past, and planned to vote no on the resolution.

Mayor Muckle closed the public hearing.

COUNCIL COMMENTS

Council member Stolzmann stated this has been a long difficult process and noted the property has been found to be blighted. The majority of the residents have an expectation the Council should do something to remove the blight. It hurts people's morale because it is an eyesore and it is not being used to its full utilization. She felt adopting an urban renewal plan is a step in the right direction and she looked forward to seeing what the plan will bring.

Mayor Muckle stated the Louisville Revitalization Commission (LRC) will assist in developing a plan. The LRC is currently working on the urban renewal plan for Highway 42, and their experience will be beneficial for the Council and the community.

Council member Leh stated the City Council found the property to be blighted and constituents agree the City should do something about it. He felt an urban renewal plan is a step in the right direction. He was prepared to vote for the Plan and give the LRC the full tool kit available to them to remedy the blight.

RESOLUTION No. 58, SERIES 2015

MOTION: Mayor Muckle moved to approve Resolution No. 58, Series 2015, as amended, seconded by Council member Keany.

City Attorney Light clarified the motion is for approval of Resolution No. 58, Series 2015, with the amendments to the plan which were included in the revised plan in the City Council packet.

VOTE: The motion passed by a vote of 6-1. Mayor Pro Tem Dalton voted no.

RESOLUTION No. 59, SERIES 2015

MOTION: Mayor Muckle moved to approve Resolution No. 59, Series 2015, seconded by Council member Stolzmann. The motion passed by a vote of 6-1. Mayor Pro Tem Dalton voted no.

DISCUSSION/DIRECTION – BOARD AND COMMISSION ORGANIZATION

Mayor Muckle requested a staff presentation.

Public Relations Manager Muth explained Council Members have expressed interest in reviewing the various missions of the City's Boards and Commissions prior to the annual call for volunteers to fill vacancies. Those vacancies will be advertised soon with applications due in November. The intent of this review is to ensure the existing mission of each board is clear, relevant service areas are covered, and any areas of overlap among boards or areas of ambiguity are resolved. The City currently has fifteen Boards and Commissions; five created in the City Charter and the other ten Boards created by resolution or ordinance by the City Council to serve a specific purpose or mission. It is within the City Council's discretion to change or amend the duties and mission of any advisory board with the exception of duties specified in the City Charter for the Open Space Advisory Board. Changes to boards could include adding additional duties to a board, combining boards or other actions Council deems appropriate. Outside of the board process, the City Council can create a Task Force at any time to address a short term issue or project.

Fiscal Impact: Each of the City's 15 Boards and Commissions has a staff liaison and all of the Advisory Boards have a City Council liaison as well. Boards and Commissions must adhere to the Open Meetings and other applicable requirements. Should the Council wish to create a new advisory board, it would require additional staff support and Council time and could increase meeting materials, training and other related expenses.

COUNCIL COMMENTS

Mayor Muckle stated there has been discussion relative to establishing a Parks and Recreation Board, whether the boards and commissions are addressing what residents want, and are there some overlapping responsibilities in some boards. For example, should the golf course board be a part of the Parks and Recreation Board. He noted the Golf Course Advisory Board believes they should continue to be an independent board.

Council member Loo inquired whether the City's status of a Tree City requires a Tree Board. Public Relations Manager Muth explained the Horticulture and Forestry Advisory Board (formerly the Tree Board) was originally created in order to obtain the Tree City status, however there are two ways to get Tree City status: 1) Create the Board or 2) To have dedicated forestry staff.

Mayor Pro Tem Dalton asked if a separate Tree Board was required or can it be part of another board. The City does have the requisite forestry staff so the City would not lose that designation.

Council member Lipton explained several months ago he suggested looking at the boards before soliciting applications for appointments. He stated parks do not have an advocate from the land perspective, nor is there a recreation board. He noted other cities have parks and recreation boards, who may look at issues such as additions and improvements. He felt there is a need for a parks and recreation group to work with staff to advocate for the needs of the facilities. With respect to the golf course, he felt the Golf Course Advisory Board should be maintained for at least another year.

He noted that on the list of boards, the City Council Committees do not have purpose descriptions. He suggested some discussion about the role of the City Council's Water, Legal, and Finance Committees and if they are needed as permanent Council Committees.

Council member Stolzmann stated she valued all the volunteer boards and commissions. She suggested when Council discusses boards and committees they consider inviting all the board and committee chairs to attend the meeting. She felt it would be helpful to have a proposal before Council when discussing a Parks and Recreation Board. She felt it made sense to have the Horticulture and Forestry Board pick up some of the parks duties, but she was not convinced a Parks and Recreation Board is a small enough topic for one board and may require two boards. She felt the Sustainability Board has made excellent progress with their road map. She felt instead of one Sustainability Board, have one Sustainability Board member on each of the other boards to better facilitate their understanding of sustainability in the community. She noted the Golf Course Advisory Board suggested putting sunsets on all the Advisory Boards so there is some regular review of their mission. She agreed there should be some sort of review. She addressed the non-profit 501c3 boards that are affiliated with various City boards and wondered if those (fund- raising) boards were working effectively for the City. With respect to the Golf Course Board, she hoped their scope of work would include developing and monitoring a critical operations matrix for evaluation to be reported to the City Council. She noted before the flood the Golf Course Advisory Board discussed community programs for non-golfers. She felt, as a goal, those programs should be started again to provide recreational opportunity to the residents.

Mayor Pro Tem Dalton stated he agreed with much of Council member Stolzmann's comments. He felt it would be appropriate for the Council to set up a review of each board's mission periodically. Perhaps every five years. He did not agree with sun-setting all the boards and then reintroducing them as it would cause uncertainty. With respect to the sun-setting of the Golf Course Advisory Board, he agreed with the Board that sun-setting should only occur when the Board feels it is appropriate.

Mayor Muckle also agreed with many of Council member Stolzmann's comments. He did not feel the Council or staff should be overtaxed by adding boards. The reason for

the discussion about sun-setting the Golf Board was to move them into some sort of a Parks and Recreation Board. He agreed staff would have to bring a proposal forward for Council consideration on a Parks and Recreation Board.

Council member Lipton asked if there could be any consideration for rebranding the Horticulture and Forestry Advisory Board to include Parks.

Council member Loo explained it is not that HFAB does not want to take on parks. There are all kinds of functions on a parks and recreation board which require a expertise and there are questions to be answered before taking on the responsibilities of parks and recreation. She felt there may be some opportunities for having subcommittees on a larger board, merging some of the boards, but she did not see how there would be effective representation.

Council member Lipton stated he was not advocating combining HFAB and Parks and Recreation. He suggested looking at parks with horticulture and leaving recreation with the senior services side. He felt there would be a better coalition. Council member Loo stated there may be concern no one is representing recreation.

Mayor Muckle felt the Council should determine what they want in terms of advice from the boards. He felt the HFAB board could include parks. Council member Loo agreed HFAB was up to the task.

Mayor Muckle stated the Council will appoint a task force to look at recreation issues through the end of next year. He felt a Recreation Board could be added at that time when is known whether or not the Recreation/Senior Center is going to be expanded.. He agreed with Mayor Pro Tem Dalton with respect to not sun-setting of the golf course board.

He stated some of the Council long-standing committees, such as Water, Legal and Finance, have had relatively informal roles. He did not know whether their roles should be better defined or the committees should have a description of their duties.

Council member Lipton requested more definition for what the City Council Committees roles are. He suggested a few well-crafted paragraphs describing the committee's roles. Council member Stolzmann agreed and stated it would be useful for staff and also new Council members to know what the Committee's do.

COUNCIL DIRECTION: Mayor Muckle suggested staff email Council the current descriptions for the City Council Committees and if not available, a few well-crafted paragraphs be drafted for Council review.

Public Relations Manager Muth inquired what changes Council wanted to see in board duties. Mayor Muckle wanted HFAB to be redefined to become a parks board.

PURCHASING POLICY UPDATE

- 1. RESOLUTION No. 62, SERIES 2015 – A RESOLUTION AMENDING CITY OF LOUISVILLE PURCHASING POLICIES**
- 2. ORDINANCE No. 1701, SERIES 2015 – AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 3.08 OF THE LOUISVILLE MUNICIPAL CODE PERTAINING TO THE PROCUREMENT OF GOODS, SERVICES AND CONTRACTS FOR PUBLIC WORKS – 1st Reading – Set Public Hearing 9/15/15**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1701, Series 2015 and reviewed Resolution No. 62, Series 2015.

Public Relations Manager Muth explained the City Council asked staff to review the current purchasing policy limits, specifically the level at which a purchase requires City Council approval. Resolution No. 62, Series 2015 and Ordinance No. 1701, Series 2015 if authorized, would approve a change in the purchasing policy allowing the City Manager to approve purchases up to \$99,999.99 as long as the purchase is already approved in the annual budget. During the annual budget process the City Council reviews in detail the Five-Year Capital Improvement requests and the budget for every fund, the culmination of which is the annual budget approved by the City Council. The budget authorizes expenditures for specified purposes and projects.

Staff recommended change for purchases over \$50,000 to give the City Manager the authority to approve contracts and purchases up to \$99,999, only if the project was previously approved by the City Council in the annual budget process. Currently all projects over \$49,999 require City Council approval. To ensure the City Council stays informed of expenditures in the \$25,000 to \$49,999 range (or the \$99,999 range if approved), the City Manager includes a report in the second City Council packet of each month listing all such expenditures he has approved.

Staff would continue to secure Council approval of all expenditures over \$100,000 and any project or purchase over \$25,000 not already approved in the annual budget. The City Manager has the discretion to bring to the City Council any purchase/project he determines should have the Council's explicit approval because it may be of special interest. Staff recommended the City Council approve Resolution No. 62, Series 2015 and approve Ordinance No. 1702, Series 2015 on first reading and set a second reading and public hearing for September 15, 2015.

COUNCIL COMMENT

Council member Lipton stated he recommended these changes for purposes of efficiencies. He noted it would also save the City time and money. He stated if an item

is budgeted, the City Manager could approve the expenditure as long as the scope of the project did not change. If the scope of the project changes, he felt there should be Council discussion. He felt the purchase of products, equipment and CIP projects that are budgeted should be approved by the City Manager, but consulting services and service contracts should be reviewed by Council.

Mayor Muckle requested the resolution be brought back at the second reading of the ordinance. He agreed there should be some range or policy where the City Manager would bring the budget request to the City Council.

Council member Stolzmann agreed the resolution should be brought back with the second reading of the ordinance, which would provide sufficient time for a Finance Committee review. She stated if there is something over budget or if there is a policy issue it should be brought before the City Council. She noted there were very few items listed, which were in the range.

Council member Leh addressed the quality of the projects within the proposed additional authority of the City Manager. He stated there may be project contracts, which have nothing to do with the dollar value, but may be very controversial. He suggested the City Manager provide some language in reference to the quality is met.

City Manager Fleming stated the existing policy does have a provision which states any purchase the City Manager deems is questionable or has policy implications shall require City Council approval.

Council member Loo was pleased with the discussion and agreed with Council member Stolzmann that very few projects were listed within the proposed range.

Council member Lipton stated he wanted to keep the policy as streamlined and simple as possible. He felt Council should focus on raising the limits.

Mayor Muckle felt the resolution and ordinance is codifying what is already happening. He did not foresee a major change in policy for the City staff.

RESOLUTION No. 62, SERIES 2015

MOTION: Mayor Muckle moved to continue Resolution No. 62, Series 2015 to September 15, 2015, seconded by Council member Lipton. All were in favor.

ORDINANCE No. 1701, SERIES 2015

MOTION: Mayor Muckle moved to approve Ordinance No. 1701, Series 2015 on first reading, ordered it published and set a public hearing for September 15, 2015, seconded by Mayor Pro Tem Dalton. All were in favor.

**DISCUSSION/DIRECTION – EIGHTH AMENDED EMPLOYMENT AGREEMENT
(CITY MANAGER MALCOLM FLEMING)**

Mayor Muckle explained the proposed Eighth Amended Employment Agreement for City Manager Malcolm Fleming and the written City Manager Evaluation for the period of August 15, 2014 through August 14, 2015 contemplated in the City Charter (Article 8, Section 8-1(d)) were submitted for City Council discussion, direction and action. The changes proposed for the contract term are effective August 15, 2015. The Eighth Amended Employment Agreement proposes a base salary increase of two percent, which amount can be accommodated within the existing 2015 budget. Mayor Muckle and Mayor Pro Tem Dalton met with City Manager Fleming to discuss the City Managers Employment Agreement.

City Attorney Light explained the City Council packet materials contained both the Eighth Amended Employment Agreement and a proposed City Manager Evaluation for the past year. The City Council may approve both in one motion.

MOTION: Mayor Muckle moved to approve the Eighth Amended Employment Agreement and the City Manager Evaluation for City Manager Malcolm Fleming, seconded by Council member Keany. Roll call vote was taken. The motion carried by a vote of 7-0.

City Manager Fleming thanked the Mayor and City Council, the City staff and the residents of Louisville.

**ORDINANCE No. 1702, SERIES 2015 – AN ORDINANCE AMENDING SECTION
17.08.205 OF THE LOUISVILLE MUNICIPAL CODE TO CLARIFY THE DEFINITION
OF GRADE – 1st Reading – Set Public Hearing 10/06/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No.1702, Series 2015. He explained the grade is used to measure the elevation of a building. The Planning Division is requesting the City Council review the definition.

MOTION: Mayor Muckle moved to approve Ordinance No.1702, Series 2015 on first reading, ordered it published and set a public hearing for October 6, 2015 seconded by Mayor Pro Tem Dalton. All were in favor.

Council member Stolzmann commented on the graphic to illustrate how the grade is measured today. She requested a graphic to illustrate how the grade is to be defined in the future.

CITY ATTORNEY'S REPORT

City Attorney Light stated the City Clerk will certify the City's ballot for the November 3, 2015 election on Friday, September 4th. He reported the new urban renewal legislation affects the size of an urban renewal board and also changes the dynamics on the TIF provision. He asked if Council had any questions relative to the new urban renewal laws, which he and staff could respond to at a future meeting.

Council member Loo inquired how the legislation would affect bank financing. City Attorney Light explained HB 1348 has new provisions for plans which include TIF to negotiate an agreement with the other taxing districts on allocations of TIF revenue. For plans that include TIF, the agreement must stipulate how the tax increment will be shared. The bill applies to new urban renewal plans after January 1, 2016. This process is also triggered if there is a modification of an urban renewal plan, but the intent is not to superimpose the provision on existing financing such as the Highway 42 Urban Renewal Plan area. He voiced his belief there will be clarifying legislation of this intent.

Deputy City Manager Balser agreed and explained staff is waiting for early legislation to clarify existing urban renewal plans will not be affected by HB 1348. Staff will follow this closely and speak with state legislators.

Mayor Muckle inquired about the membership of the urban renewal authority. City Attorney Light explained HB 1348 stipulates an urban renewal authority shall consist of 13 members, however, it only applies if one of the triggering events occur. Without a triggering event, the City would not have a mandatory obligation to expand to a 13 member board. The current law states urban renewal boards shall consist of 11 members. He stated one approach that may be taken in the next legislative session to clarify the application of the statute is to increase the size of any urban renewal authority to 13 members. If the bill as written did apply, the LRC would go from 7 to 13 members and the Mayor has the right to appoint three of the new members, with the consent of City Council. The balance would be made of 1 member from the County; 1 member from the School District and 1 member appointed collectively by the other taxing districts.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Council member Stolzmann proposed various items for the Labor Day Parade. She plans to use bunting and flags to decorate the golf carts and will wear red, white and blue clothing. In order to look unified, she encouraged the City Council to do the same.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Mayor Pro Tem Dalton. All were in favor. The meeting adjourned at 8:50 p.m.

Robert P. Muckle, Mayor

Nancy Varra, City Clerk